

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**UNITED STATES of AMERICA**  
**ex rel. ELIZABETH H. HUDSON,**

Plaintiff-Relator,

v.

**MAIN BUILDING MAINTENANCE,  
INC.; JXM, INC.; ROBERT A. XIMENES;  
ELVIRA H. XIMENES; and MARGAUX  
I. XIMENES,**

Defendants

Civil Action No.:  
5-16-CV-00523-JKP-RBF

**JOINT STATUS REPORT AND MOTION TO  
EXTEND ABATEMENT PENDING MEDIATION**

Relator Elizabeth H. Hudson (“Relator”) and Defendants Main Building Maintenance, Inc., JXM, Inc., Robert A. Ximenes, Elvira H. Ximenes, and Margaux I. Ximenes (collectively, “Defendants”) hereby jointly file this status report and request to extend the abatement of deadlines pending mediation. In support of their motion, the parties respectfully state:

1. On April 1, 2022, the parties agreed to seek mediation of the pending claims, and filed a joint motion for abatement of deadlines (ECF #105) in anticipation of mediating the case in early May.
2. On April 11, 2022, this Court issued an Order abating pending deadlines (the “April 11 Order”). The April 11 Order required the parties to file, within 10 days from the date of mediation, a joint motion that indicated that the case

- had been resolved, or that no settlement had been reached, with requested entry of an amended scheduling order.
3. Notwithstanding their best efforts, the parties were unable to have the case mediated in the first half of May. Relatively few mediators have experience mediating False Claim Act cases. Further, the parties' agree that an in-person mediation is more likely to be fruitful than one conducted over Zoom. This has limited the number of potential mediators even further. After numerous attempts to use a mediator within the Western District, the parties are now scheduled to mediate this case on June 16, 2022 in Dallas, TX.
  4. The parties request that the April 11 Order be amended to require a joint motion from the parties within ten days of June 16, 2022, rather than within ten days of a mediation date that had been anticipated to be in early May.
  5. The parties respectfully request that the Court enter the attached Agreed Order of Further Abatement Pending Mediation. The parties still believe that mediation may be productive, and believe that resolution will be more likely if the parties are not incurring litigation costs as they prepare for the upcoming mediation.

Dated: May 16, 2022

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and Robert A. Ximenes***

**CERTIFICATE OF SERVICE**

I hereby certify that, on May 16, 2022, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system and all counsel of record will receive an electronic copy via the Court's CM/ECF system.

Dated: May 16, 2022

/s/ Michael Tabb  
Michael Tabb